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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,546	05/25/2001	Jeyhan Karaoguz	41044/SDB/B600	4796
23363	7590	06/22/2004	EXAMINER	
CHRISTIE, PARKER & HALE, LLP PO BOX 7068 PASADENA, CA 91109-7068			MARTINEZ, DAVID E	
			ART UNIT	PAPER NUMBER
			2182	

DATE MAILED: 06/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/866,546

**Applicant(s)**

KARAOGUZ ET AL.

**Examiner**

David E Martinez

**Art Unit**

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/8/2002.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Oath/Declaration*

An attached executed declaration to the 9/4/01 letter in response to Notice to File Missing Parts of Application could not be found.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1. Claims 3-8 contain the trademarks/trade names "Bluetooth" and "HomeRF". Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe different types of operating systems and software applications, accordingly, the identification/description is indefinite.
2. Claims 6-8 contain the 802.11b standard which creates an indefinite situation since standards are always subject to interpretation and are constantly being updated to different specification versions.

### *Claim Rejections - 35 USC § 103*

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-3 and 6, are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,600,726 to Nevo et al. (Nevo).

3. With regards to claim 1 and 2, Nevo teaches a method for controlling and managing wireless network access for a wireless communication device, comprising the steps of:

selecting at least one of the wireless networks [column 3 lines 28-45, column 4 lines 13-15, 46-55]; and

establishing communications between the wireless communication device and at least one selected wireless network [column 3 lines 28-45, column 4 lines 13-15, 46-55].

Nevo does not explicitly teach sequentially attempting to determine whether communications may be established with at least one of a plurality of wireless networks, however, Nevo does teach that wireless communication takes place between the receiver (fig 1 element 100) and devices that use different protocols (fig 1 elements 104a, 104b, column 3 lines 28-45, column 4 lines 13-15, 46-55). In order for wireless communication to take place between any two devices, a connection between such devices has to be established as disclosed above. For a connection to be established, a listening device has to receive from another device, a signal of some kind sent over a network, for detection to take place and communication to be established. This kind of handshaking is used by conventional wireless communication devices.

It would have been obvious to one of ordinary skill in the art at the time of the invention to sequentially attempt to determine whether communications may be established with at least

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one of a plurality of wireless networks such as with devices 104a and 104b for the benefit of establishing a connection with remote devices to be able to transmit data over a wireless channel.

4. With regards to claim 3 Nevo teaches a dual-mode controller for controlling and managing access to Bluetooth and HomeRF networks, comprising:

a network selector for selecting a Bluetooth network or a HomeRF network [column 3 lines 28-45, column 4 lines 13-15, 46-55]; and

a connection manager for establishing a connection with the selected Bluetooth or HomeRF network [column 3 lines 28-45, column 4 lines 13-15, 46-55].

Nevo does not explicitly teach a network scanner for sequentially performing Bluetooth network scans and HomeRF network scans, however, Nevo does teach that wireless communication takes place between the receiver (fig 1 element 100) and devices that use Bluetooth and HomeRF protocols (fig 1 elements 104a, 104b, column 3 lines 28-45, column 4 lines 13-15, 46-55). In order for wireless communication to take place between any two devices, a connection between such devices has to be established as disclosed above. For a connection to be established, a listening device has to receive from another device, a signal of some kind sent over a network, for detection to take place and communication to be established. This kind of handshaking is used by conventional wireless communication devices.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a network scanner for sequentially performing Bluetooth network scans and HomeRF network scans with devices 104a and 104b for the benefit of establishing a connection with remote devices to be able to transmit data over a wireless channel.

5. With regards to claim 6, Nevo teaches a dual-mode controller for controlling and managing access to Bluetooth and 802.11b networks, comprising:

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a network selector for selecting a Bluetooth network or an 802.11b network [column 3 lines 28-45, column 4 lines 13-15, 46-55]; and

a connection manager for establishing a connection with the selected Bluetooth or 802.11b network [column 3 lines 28-45, column 4 lines 13-15, 46-55].

Nevo does not explicitly teach a network scanner for sequentially performing Bluetooth network scans and 802.11b network scans, however, Nevo does teach that wireless communication takes place between the receiver (fig 1 element 100) and devices that use Bluetooth and 802.11 protocols (fig 1 elements 104a, 104b, column 3 lines 28-45, column 4 lines 13-15, 46-55, 802.11 includes 802.11b standard protocol). In order for wireless communication to take place between any two devices, a connection between such devices has to be established as disclosed above. For a connection to be established, a listening device has to receive from another device, a signal of some kind sent over a network, for detection to take place and communication to be established. This kind of handshaking is used by conventional wireless communication devices.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a network scanner for sequentially performing Bluetooth network scans and 802.11b network scans with devices 104a and 104b for the benefit of establishing a connection with remote devices to be able to transmit data over a wireless channel.

6. Claims 4-5 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,600,726 to Nevo et al. (Nevo) in view of US Patent Application Publication No. US 2001/0056502 A1 to Hollstrom et al. (Hollstrom).

7. With regards to claim 4, it is rejected under the same rationale as claim 3 above under Nevo, except for notifying the user of availability of networks and selecting a Bluetooth or a HomeRF network according user input. However, Hollstrom teaches a wireless device that

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displays to a user, modules available to communicate with, wherein the modules use different protocols for communication (bluetooth, cable, rs232). Hollstrom also discloses selection of a module as per user input [paragraphs 25 and 28, see figures 1 and 2]. Hollstrom does this to provide an easier way of accessing, controlling and operating electronic utility devices in a standardized and user-friendly fashion, and to drastically reduce the number of required control units so that one control apparatus is requires to control a large number of electronic devices [paragraph 10].

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of both Nevo and Hollstrom to notify the user of availability of networks and selecting a Bluetooth or a HomeRF network according user input for the benefit providing an easier way of accessing, devices in a standardized and user-friendly fashion, and to drastically reduce the number of required control units so that one control apparatus can access a large number of electronic devices.

8. With regards to claim 5, Nevo teaches the method of claim 4 further comprising the step of using common radio circuitry for communications to Bluetooth and HomeRF networks [fig 1 element 100].

9. With regards to claim 7, it is rejected under the same rationale as claim 3 above under Nevo, except for notifying the user of availability of networks and selecting a Bluetooth or a 802.11b network according user input. However, Hollstrom teaches a wireless device that displays to a user, modules available to communicate with, wherein the modules use different protocols for communication (bluetooth, cable, rs232). Hollstrom also discloses selection of a module as per user input [paragraphs 25 and 28, see figures 1 and 2]. Hollstrom does this to provide an easier way of accessing, controlling and operating electronic utility devices in a



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standardized and user-friendly fashion, and to drastically reduce the number of required control units so that one control apparatus is requires to control a large number of electronic devices.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of both Nevo and Hollstrom to notify the user of availability of networks and selecting a Bluetooth or a 802.11b network according user input for the benefit providing an easier way of accessing, devices in a standardized and user-friendly fashion, and to drastically reduce the number of required control units so that one control apparatus can access a large number of electronic devices.

10. With regards to claim 8, Nevo teaches the method of claim 7 further comprising the step of using common radio circuitry for communications to Bluetooth and 802.11b networks [fig 1 element 100].

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 6,035,212 to Rostoker et al.

US Patent No. 6,697,638 to Larsson et al.

US Patent No. 5,355,517 to Olson.

US Patent Application Publication No US 2002/0012329 A1 to Atkinson et al.

US Patent Application Publication No US 2002/0022453 A1 to Balog et al.

US Patent No. 5,903,548 to Delamater.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E Martinez whose telephone number is (703) 305-4890. The examiner can normally be reached on 8:30-5:00 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A Gaffin can be reached on (703) 308-3301. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DEM



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